



Wireless Telegraphy Act 1967 (repealed)

1967 CHAPTER 72

PART II

MISCELLANEOUS

[^{F17} Restriction on dealings in and custody of certain apparatus.

- (1) This section applies to wireless telegraphy apparatus and to any apparatus designed or adapted for use in connection with wireless telegraphy apparatus.
- (2) Where it appears to [^{F2}OFCOM] to be expedient to do so for the purpose of preventing or reducing the risk of interference with wireless telegraphy, [^{F2}they] may make an order applying restrictions under this section in relation to apparatus to which this section applies of any class or description specified in the order.
- (3) Any of the following actions in relation to any such apparatus is subject to restriction under this section—
 - (a) manufacture (whether or not for sale);
 - (b) selling or offering for sale, letting on hire or offering to let on hire, or indicating (whether by display of the apparatus or by any form of advertisement) one's willingness to sell or let on hire;
 - (c) having in one's custody or control; and
 - (d) importation.
- (4) An order under this section shall specify such of the actions subject to restriction under this section as are restricted by the order in the case of apparatus of any class or description specified in the order.
- (5) Any action for the time being restricted by an order under this section in the case of any apparatus is prohibited by this section—
 - (a) save with the authority of [^{F3}OFCOM] and subject to compliance with any terms and conditions attached by [^{F3}OFCOM] to that authority; or
 - ^{F4}(b)

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- (6) An authority given by [F³OFCOM] for the purposes of this section in the case of apparatus of any class or description specified in an order under this section may be limited—
- (a) to such of the actions restricted by the order; and
 - (b) to such subsidiary class or description of apparatus within the class or description specified in the order;
- as may be specified in the authority.
- (7) Any terms or conditions attached by [F³OFCOM] to any authority under this section for manufacture or importation may relate to a period after, as well as to the time of, or a period before, the manufacture or importation.
- (8) [F³OFCOM]'s authority may be given, and any terms or conditions may be attached to it, either generally by means of a notice in the London Gazette or by an instrument in writing issued to each person authorised to do, in relation to apparatus of any class or description to which an order under this section relates, anything for the time being restricted by the order; and any such notice published in the London Gazette shall also be published in the Edinburgh Gazette and the Belfast Gazette.
- ^{F5}(9) [F³OFCOM] shall not make any order under this section or give any authority for the purposes of this section or attach any term or condition to any such authority, unless [F³OFCOM][^{F5}are satisfied] that the order, authority, term or condition in question is compatible with the international obligations of the United Kingdom; and where any statutory instrument containing such an order or any notice or instrument in writing giving such an authority or attaching any term or condition to such an authority contains a statement that [F³OFCOM][^{F5}are so satisfied], that statement shall be evidence (and, in Scotland, sufficient evidence) of that fact.
- (10) Where the importation of apparatus of any class or description to which this section applies is for the time being restricted by an order under this section, a person commissioned by the Commissioners of Customs and Excise may require any person having custody or control of any apparatus of that class or description which is being or has been imported to furnish proof that the importation of the apparatus is or was not unlawful by virtue of this section; and if such proof is not furnished to the satisfaction of those Commissioners the apparatus shall be deemed, unless the contrary is proved, to be prohibited goods, and shall be liable to forfeiture under the ^{M1} Customs and Excise Management Act 1979,
- (11) Any person who—
- (a) takes any action within subsection (3)(a) or (b) above in relation to any apparatus in contravention of subsection (5) above; or
 - (b) without reasonable excuse has any apparatus in his custody or control in contravention of that subsection; or
 - (c) contravenes or fails to comply with any terms or conditions attached to any authority given by [F³OFCOM] for the purposes of this section (whatever the action to which that authority relates);
- shall, without prejudice to any liability to a penalty which he may have incurred under the Act of 1979 mentioned above, be guilty of an offence under the principal Act.

^{F6}(11A) [Section 403 of the Communications Act 2003 (procedure for regulations and orders made by OFCOM) applies to the power of OFCOM to make an order under this section.

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- (11B) The approval of the Secretary of State is required for the making by OFCOM of an order under this section.
- (11C) A statutory instrument containing an order made by OFCOM under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11D) In this section “OFCOM” means the Office of Communications.]
- (12) For the avoidance of doubt, it is hereby declared that in this section “manufacture” includes construction by any method and the assembly of component parts.]

Textual Amendments

- F1** S. 7 substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#) , [s. 77](#)
- F2** Words in s. 7(2) substituted (25.7.2003 for specified purposes and 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#) , [s. 411\(2\)](#) , [Sch. 17 para. 37\(2\)](#) (with [Sch. 18](#)) ; [S.I. 2003/1900](#) , [arts. 1\(2\)](#) , [2\(1\)](#) , [Schs. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#) , [art. 1\(3\)](#)) ; [S.I. 2003/3142](#) , [art. 3\(2\)](#) (with [art. 11](#))
- F3** Words in s. 7(5)-(11) substituted (25.7.2003 for specified purposes and 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#) , [s. 411\(2\)](#) , [Sch. 17 para. 37\(3\)](#) (with [Sch. 18](#)) ; [S.I. 2003/1900](#) , [arts. 1\(2\)](#) , [2\(1\)](#) , [Schs. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#) , [art. 1\(3\)](#)) ; [S.I. 2003/3142](#) , [art. 3\(2\)](#) (with [art. 11](#))
- F4** S. 7(5)(b) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#) , [ss. 182\(7\)](#) , [411\(2\)](#) , [Sch. 19\(1\)](#) (with [Sch. 18](#)) ; [S.I. 2003/3142](#) , [art. 3\(1\)](#) , [Sch. 1](#) (with [art. 11](#))
- F5** Words in s. 7(9) substituted (25.7.2003 for specified purposes and 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#) , [s. 411\(2\)](#) , [Sch. 17 para. 37\(4\)](#) (with [Sch. 18](#)) ; [S.I. 2003/1900](#) , [arts. 1\(2\)](#) , [2\(1\)](#) , [Schs. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#) , [art. 1\(3\)](#)) ; [S.I. 2003/3142](#) , [art. 3\(2\)](#) (with [art. 11](#))
- F6** S. 7 inserted (25.7.2003 for specified purposes and 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#) , [s. 411\(2\)](#) , [Sch. 17 para. 37\(5\)](#) (with [Sch. 18](#)) ; [S.I. 2003/1900](#) , [arts. 1\(2\)](#) , [2\(1\)](#) , [Schs. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#) , [art. 1\(3\)](#)) ; [S.I. 2003/3142](#) , [art. 3\(2\)](#) (with [art. 11](#))

Modifications etc. (not altering text)

- C1** S. 7 transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\)](#) , [s. 411\(2\)](#) , [Sch. 1 para. 1\(1\)\(b\)](#) (with [Sch. 18](#)) ; [S.I. 2003/3142](#) , [art. 3\(1\)](#) , [Sch. 1](#) (with [art. 11](#))

Marginal Citations

- M1** [1979 c. 2\(40:1\)](#).

8 Provisions for securing enforcement of s. 1(1) of principal Act in relation to vehicles.

- (1) The power [F7 of the Secretary of State under section 7(1) of the Vehicle Excise and Registration Act 1994 to specify] the declaration to be made and particulars to be furnished by a person applying for a licence under that Act in respect of a vehicle shall include power to require the declaration and particulars to extend to any matters relevant for the enforcement of section 1(1) of the principal Act in respect of any apparatus for wireless telegraphy installed in the vehicle; and the appropriate authority shall accordingly not be required to issue a licence under [F8 the Vehicle Excise and Registration Act 1994 where] the applicant fails to comply with [F9 a requirement imposed] by virtue of this subsection.

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- (2) If any person, in furnishing any information for the purpose of [F10a requirement imposed] by virtue of subsection (1) of this section, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence under the principal Act.
- (3) Subsection (2) of this section shall have effect to the exclusion of any provision for corresponding purposes [F11contained in the Vehicle Excise and Registration Act 1994].

F12(4)

Textual Amendments

- F7** Words in s. 8(1) substituted (25.7.2003 for specified purposes and 29.12.2003 in so far as not already in force) by **Communications Act 2003** (c. 21), s. 411(2), **Sch. 17 para. 38(2)(a)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F8** Words in s. 8(1) substituted (1.9.1994) by virtue of 1994 c. 22, ss. 63, 66, **Sch. 3 para. 3(a)(ii)** (with s. 57(4)).
- F9** Words in s. 8(1) substituted (25.7.2003 for specified purposes and 29.12.2003 in so far as not already in force) by **Communications Act 2003** (c. 21), s. 411(2), **Sch. 17 para. 38(2)(b)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F10** Words in s. 8(2) substituted (25.7.2003 for specified purposes and 29.12.2003 in so far as not already in force) by **Communications Act 2003** (c. 21), s. 411(2), **Sch. 17 para. 38(3)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F11** Words in s. 8(3) substituted (1.9.1994) by virtue of 1994 c. 22, ss. 63, 66, **Sch. 3 para. 3(b)** (with s. 57(4)).
- F12** S. 8(4) repealed (1.9.1994) by 1994 c. 22, ss. 65, 66, **Sch. 5 Pt. I** (with s. 57(4)).

9 Amendments as to territorial extent of Part I of principal Act.

- (1) F13
- (2) The references in paragraphs (b) and (c) of subsection (1) of the said section 6 to any British seagoing ship or British aircraft which is registered in the United Kingdom shall be construed as references to any ship or aircraft which is so registered; and accordingly the word “british” and “sea going”, wherever they appear in the said paragraphs (b) and (c), and the word “British” in the first and second places where it occurs in subsection (3) of the said section 6, are hereby repealed.
- (3) In subsection (2) of the said section 6 (which enables the Postmaster General to make regulations for regulating the use, on board any foreign seagoing ship or foreign aircraft within the limits of the United Kingdom and the territorial waters adjacent thereto, of wireless telegraphy apparatus on board the ship or aircraft, and provides that save as aforesaid nothing in Part I of the principal Act shall operate so as to impose any prohibition or restriction on persons using wireless telegraphy apparatus on board any foreign seagoing ship or foreign aircraft)—
 - (a) for the words “foreign seagoing ship or foreign aircraft” there shall be substituted—

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- (i) in the first place where those words occur, the words “ ship or aircraft which, not being registered in the United Kingdom, is registered in a country other than the United Kingdom, the Isle of Man or any of the Channel Islands while that ship or aircraft is ” ;
- (ii) in the second place where those words occur, the words “ such ship or aircraft as aforesaid ”;
- (b) after the words “save as aforesaid” there shall be inserted the words “ or by virtue of an Order in Council under subsection (3) of this section ” ;

F14

- (4) Regulations under subsection (2) of the said section 6 may make different provision for different cases or for ships or aircraft registered in different countries.
- (5) The provisions of subsections (2) and (3) of this section shall have effect as from the expiration of the period of one month beginning with the day on which this Act is passed.

Textual Amendments

F13 S. 9(1) repealed by [Territorial Sea Act 1987 \(c. 49, SIF 29\)](#), s. 3, [Sch. 2](#)

F14 Words repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. IV](#)

Modifications etc. (not altering text)

C2 The text of ss. 9(2)(in part), (3), 10(2)(in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

10 Amendments as to scope and territorial extent of Part II of principal Act.

- (1) The provisions of this section shall have effect for the purposes of Part II of the principal Act (which makes provision as to interference with wireless telegraphy).
- (2) The apparatus which may be specified in regulations under section 10 of the principal Act shall include wireless telegraphy apparatus; and accordingly in subsection (3) of that section the words “and not being wireless telegraphy apparatus” are hereby repealed.
- (3) Section 6 of the principal Act shall have effect as if any reference therein to the preceding provisions of Part I of that Act included a reference to the provisions of any regulations made under section 10 and the provisions of sections 11, 12 and 13 of that Act.

11 F15

Textual Amendments

F15 S. 11 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. IV](#)

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12 Enforcement of principal Act.

- (1) For the purposes of any offence under the principal Act committed within the seaward limits referred to in section 9(1) of this Act but not within the United Kingdom, proceedings for that offence may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (2) For the purpose of the enforcement of the principal Act, a member of a police force shall have in any area of the sea within the seaward limits aforesaid all the powers, protection and privileges which he has in the area for which he acts as constable.
- (3) In the application of this section to Northern Ireland, the following subsection shall be substituted for subsection (2):

“(2) For the purpose of the enforcement of the principal Act, a member of the Royal Ulster Constabulary shall have in any area of the sea within the seaward limits aforesaid all the powers, protection and privileges which he has in Northern Ireland.”

Status:

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Changes to legislation:

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